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8   UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   KEVIN POTTS,   Case No. 1:20-cv-01236-NONE-HBK

12   Petitioner,   ORDER GRANTING PETITIONER'S
                                                REQUEST TO FILE DOCUMENT UNDER
13   v.   SEAL

14   J. GASTELO,   (Doc. No. 50)

15   Respondent.

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17   Petitioner Kevin Potts, a state prisoner *proceeding pro*, initiated this action by filing a

18   petition for writ of habeas corpus under 28 U.S.C. § 2254. (Doc. No. 1). Petitioner is proceeding

19   on his first amended petition. (Doc. No. 19). Before the Court is Petitioner's "request to lodge

20   newly obtained evidence and seal documents of Marsden," which the Court construes as a notice

21   of request to file document under seal. (Doc. No. 50). Petitioner provided notice of his request to

22   Respondent and, as of the date of this Order, Respondent has filed no opposition to the request.

23   There is a "strong presumption in favor of access to court records." *See Foltz v. State*

24   *Farm Mut. Auto. Ins. Co*., 331 F.3d 1122, 1135 (9th Cir. 2003). The presumption, however, is

25   not absolute and "can be overridden given sufficiently compelling reasons for doing so." *See id*.

26   Petitioner requests to file under seal a summary of a conversation he had with his trial counsel,

27   whom he claims provided him ineffective assistance of counsel. (Doc. No. 50). This summary

28   was appended to Petitioner's notice as "Exhibit A." The information contained in the document

1 is arguably confidential under attorney-client privilege. Accordingly, Petitioner has demonstrated

2 good cause for filing this document under seal.

3   Accordingly, it is ORDERED:

4   1.   Petitioner's request to file documents under seal (Doc. No. 50) is GRANTED.

5   2.   The Clerk of Court shall file Exhibit A, which was appended to Petitioner's notice,

6 under seal in accordance with Local Rule 141.

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8 Dated: October 20, 2021

9   HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE

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